

REMARKS

Rejection of Claims 1, 3-5, 8, 9, 12, 20-26, 29-30, 43-44 and 46 Under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1, 3-5, 8, 9, 12, 20-26, 29-30, 43-44 and 46 under 35 U.S.C. § 102(e), contending that these claims are anticipated by U.S. Patent No. 6,743,492, as evidenced by Beaupre et al. for the reasons previously of record. In reply to Applicant's last filed response on June 5, 2007, the Examiner acknowledged the request for interference, but contended that examination had not been completed. Office Action at page 2, item no. 3. The Examiner then stated that "Applicant failed to identify all claims the applicant believes interfere, and/or propose one or more counts, and/or show how the claims correspond to one or more counts." *Id.* at item no. 4. The Examiner also stated that "Applicant failed to provide a claim chart comparing at least one claim of each party corresponding to the count." *Id.* at item no. 5. The Examiner also stated that "Applicant failed to provide a detailed explanation as to why applicant will prevail on priority." *Id.* at item no. 6.

In response to this rejection, Applicants submit herewith a Suggestion for Interference Under 37 CFR § 41.202, including Appendices A to I ("Suggestion for Interference"). The Suggestion for Interference satisfies all of the requirements of 37 CFR §§ 41.202 (a) and (d)(1), including the information discussed in the Office Action.

Therefore, Applicants submit that U.S. Patent No. 6,743,429 is not an effective reference against the present claims, and respectfully request the Examiner to withdraw the rejection of Claims 1, 3-5, 8, 9, 12, 20-26, 29-30, 43-44 and 46 under 35 U.S.C. § 102(e) and recommend an interference to the Board of Patent Appeals and Interferences.

Rejection of Claims 1, 6-7, 10 and 13-14 Under 35 U.S.C. § 103

The Examiner has rejected Claims 1, 6-7, 10 and 13-14 under 35 U.S.C. § 103, contending that these claims are unpatentable over U.S. Patent No. 6,743,429 as evidenced by Beaupre et al. for the reasons previously of record. Differences between these claims and the cited references noted by the Examiner are deemed by the Examiner to be optimization of dosages and route of administration that are within the purview of those of skill in the art.

In response to this rejection, Applicants rely upon the Suggestion for Interference discussed above. The Suggestion for Interference satisfies all of the requirements of 37 CFR §§ 41.202 (a) and (d)(1), including the information discussed in the Office Action.

Therefore, Applicants submit that U.S. Patent No. 6,743,429 is not an effective reference against the present claims. As previously argued, Beaupre et al. is cited only for the teaching that PC₂₀FEV1 is the concentration of provoking agent that causes a 20% fall in FEV1 to characterize the clinical state of an asthmatic. Accordingly, Beaupre et al. does not teach or suggest the presently claimed invention.

Thus, the Examiner is respectfully requested to withdraw the rejection of Claims 1, 6-7, 10 and 13-14 under 35 U.S.C. § 103.

Applicants have responded in full to all of the remaining rejections as set forth in the August 24, 2007 final Office Action. In the event that the Examiner has any questions regarding Applicants' positions, the below-named agent may be reached at (303) 863-9700.

Respectfully submitted,
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